



## **Request for City Council Committee Action from the Department of Intergovernmental Relations**

**Date:** April 3, 2009

**To:** Council Member Betsy Hodges

**Referral to:** Intergovernmental Relations Committee

**Subject:** 2010 Federal Legislative Agenda

**Recommendation:** Amend the Policy Initiatives section of the federal agenda by adding the following language to the end of the section:

**"Community Radio Act.** The city supports legislation (HR1147) that would allow the establishment of low-power FM (LPFM) stations throughout the country. In 2000 the Federal Communications Commission (FCC) issued rules that would have permitted the establishment of the stations but subsequent legislation limited the implementation of the rule. The legislation required the FCC to only issue licenses to low powered stations that would not interfere with existing full power stations. A low powered station needs to be at least four intervals on the radio from a full power station. The legislation would support recommendations contained in a FCC study released in 2003 that concluded that the low powered stations would not cause interference with existing stations if they are three intervals away.

### **Department Information**

Prepared by: IGR Staff

Approved by: Gene Ranieri, Director, IGR

A handwritten signature of Gene Ranieri, the Director of IGR, is written over a horizontal line.

Presenters in Committee: IGR

**Supporting Information.** The legislation was introduced in 2007 and reintroduced by Rep. Mike Doyle (PA-14). The bill has been referred to the House Energy and Commerce Committee which has jurisdiction over federal communications policy. A copy of a press release from Rep. Doyle is attached as is a resolution from the city of Urbana, Illinois.

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## Congressman Doyle Introduces Legislation to Bring Community Radio to America's Cities

Washington, DC – June 21, 2007 – U.S. Representatives Mike Doyle (PA-14) and Lee Terry (NE-2) today introduced bipartisan legislation to allow thousands of community radio stations across the country to begin broadcasting.

**"Diverse, informative, thought-provoking, locally-oriented programming has been dramatically restricted across the country by the current federal laws governing the separation between broadcast frequencies,"** Congressman Doyle said in a conference call earlier today. **"Enactment of this legislation would improve the quality of life in communities across the country by providing new and different programming – and especially programming addressing local interests and events – to these communities. In addition, the establishment of hundreds of low-power radio stations across the country would also help keep residents better informed during natural disasters and other local emergencies."**

FCC Commissioner Jonathan S. Adelstein praised the bill today, saying, **"Localism and diversity have always been at the heart of radio. Many low power FM stations across America reflect the best of these traditions and have flourished despite existing interference standards. As I've traveled throughout this country, I've seen local churches, schools and other community-based organizations use low power stations to broadcast locally-relevant local news, information and music. That's the essence of radio, and we should do all we can to promote it."**

In 2000, the Federal Communications Commission (FCC) issued rules that would have allowed the establishment of thousands of low-power FM (LPFM) radio stations across the country. The FCC's effort to promote diverse local voices on the radio dial was short-circuited by later that year when Congress enacted "the Radio Broadcast Preservation Act." This legislation compelled the FCC to issue LPFM licenses only to low-power radio stations that were at least 4 intervals on the radio dial away from existing full-power stations – ostensibly out of concern that the new stations would cause interference with the existing stations' signals, but effectively banning low-power FM stations from the 50 largest media markets in the country. This legislation also required an independent study of how much separation was required to ensure that existing full-power signals weren't, in fact, compromised. The study required by the Radio Broadcast Preservation Act, which was completed in 2003, concluded that reducing the separation between radio transmission frequencies to three spaces on the radio dial wouldn't cause interference with existing broadcast signals.

-- more --

Congressman Mike Doyle  
Press Release  
June 21, 2007  
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Today, Congressmen Doyle and Terry introduced legislation that would repeal the Radio Broadcast Preservation Act's requirement that radio stations in a given market be 4 intervals apart. They believe that reducing the required space between radio stations will allow thousands of new community-based LPFM stations across the

country to begin broadcasting, dramatically increasing the diversity and community-orientation of radio programming across the country – and exponentially increasing the ability of local governments to communicate important safety information to their communities in the event of terrorist attacks or natural disasters. Identical legislation has been introduced in the Senate by Senators John McCain (R-AZ) and Maria Cantwell (D-WA).

**“WMKP, the internet radio station at Penn State University’s Greater Allegheny Campus in McKeesport is a “poster child” for why this legislation is needed,”** Congressman Doyle said. **“More than 30 student volunteers operate WMKP – “The Roar” – and they would love to bring their unique blend of music, commentary, and public service programming to radio listeners in McKeesport, but the station is currently limited to webcasting. WMKP has applied for an LPFM license but has not been able to secure one because there’s not enough space on the radio dial in the Pittsburgh media market under the current separation requirements. This story has been repeated across the country in the top 50 media markets where most Americans live.”**

WMKP General Station Manager David Edward Novak, Jr., said **“An LPFM station would give WMKP the ability to spread the power of music to the surrounding community – not just on campus and on the Internet. I want to thank Congressman Doyle for working to make it possible.”**

Congressmen Doyle and Terry both serve on the House Energy and Commerce Committee, which has jurisdiction over federal telecommunications policy.

RESOLUTION NO. 2009-03-014R

A RESOLUTION IN SUPPORT OF EXPANDING LOW POWER FM RADIO SERVICE

WHEREAS, the passage of the Telecommunications Act of 1996 led to increased ownership consolidation in the commercial radio industry;

WHEREAS, in January 2000 the FCC, responding to overwhelming public pressure against ownership consolidation of the radio airwaves, and the resulting homogenization of the broadcast content, created the Low-Power FM (LPFM) service, allowing community groups to launch non-commercial, 100-watt radio stations in order to increase diversity of programming;

WHEREAS, in December 2000 Congress, under intense pressure from corporate broadcasters, passed the Radio Broadcasting Preservation Act, severely curtailing the new LPFM service, with the result that 80% of opportunities for new stations were lost;

WHEREAS, urban areas were particularly affected by this Act, with the result that, of the fifty largest American cities, only one now qualifies to receive an LPFM license;

WHEREAS, the availability of local and democratically controlled media outlets is essential to promoting citizen participation in public affairs, ensuring rapid responses to natural disasters, overcoming historic inequalities in access to the means of communication and strengthening a vibrant democracy;

WHEREAS, the City of Urbana is home to an LPFM station, WRFU, which airs a wide range of public affairs and arts programming, supports and promotes locally originated music, and provides opportunities for myriad community members and groups to produce content and reach audiences;

WHEREAS, all other Americans deserve the chance to benefit from the same LPFM service which benefits Urbana;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
URBANA, ILLINOIS, as follows:

That the City of Urbana urges Congress and the FCC to restore the LPFM  
service to its original mandate, and to do all within their power to ensure  
that license applications are processed quickly, and that citizens are given  
the opportunity to access the public airwaves.

BE IT FURTHER RESOLVED,

That a copy of this resolution be sent to the Federal Communications  
Commission.

PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_.

\_\_\_\_\_  
Phyllis D. Clark, City Clerk

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_.

\_\_\_\_\_  
Laurel Lunt Prussing, Mayor

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### H.R.1147

**Title:** To implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

**Sponsor:** [Rep Doyle, Michael F.](#) [PA-14] (introduced 2/24/2009) [Cosponsors](#) (38)

**Latest Major Action:** 2/24/2009 Referred to House committee. Status: Referred to the House Committee on Energy and Commerce.

### SUMMARY AS OF:

2/24/2009--Introduced.

Local Community Radio Act of 2009 - Repeals provisions in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2001, that required the Federal Communications Commission (FCC) to: (1) modify rules authorizing the operation of low-power FM radio stations to prescribe minimum distance separations for third-adjacent channels; (2) prohibit applicants who have engaged in the unlicensed operation of any station from obtaining a low-power FM license; and (3) conduct a program to test whether low-power FM radio stations will result in harmful interference to existing FM radio stations if minimum distance separations for third-adjacent channels are not required.

Requires the FCC to modify its rules to eliminate third-adjacent minimum distance separation requirements between specified stations.

Requires the FCC to retain rules that provide third-adjacent channel protection for full-power noncommercial FM stations that broadcast radio reading services via a subcarrier frequency from potential low-power FM station interference.

Requires the FCC when licensing FM translator stations to ensure: (1) that licenses are available to both FM translator stations and low-power FM stations; and (2) that such decisions are made based on the needs of the local community.

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